

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ALAA ELKHARWILY,

Plaintiff,

v.

KAISER PERMANENTE,

Defendant.

CASE NO. C20-5505 BHS

ORDER DENYING PLAINTIFF'S  
MOTION FOR  
RECONSIDERATION

This matter comes before the Court on Plaintiff Alaa Elkhawily's ("Plaintiff") motion for reconsideration. Dkt. 62.

On September 24, 2020, the Court granted Plaintiff's motion to remand and denied his requests to impose sanctions under either the remand statute or Rule 11. Dkt. 61. On October 6, 2020, Plaintiff filed the instant motion requesting reconsideration of the denial of attorney's fees and sanctions. Dkt. 62.

Motions for reconsideration are governed by Local Rule 7(h), which provides as follows:

Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior

1 ruling or a showing of new facts or legal authority which could not have  
2 been brought to its attention earlier with reasonable diligence.

3 Local Rules W.D. Wash. LCR 7(h). “[A] motion for reconsideration should not be  
4 granted, absent highly unusual circumstances, unless the district court is presented with  
5 newly discovered evidence, committed clear error, or if there is an intervening change in  
6 the controlling law.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir.  
7 2000) (quoting *389 Orange Street Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999)).

8 In this case, Plaintiff has failed to establish that the Court committed any error in  
9 declining to award sanctions. First, any award is within the Court’s discretion. *Lussier v.*  
10 *Dollar Tree Stores, Inc.*, 518 F.3d 1062, 1065 (9th Cir. 2008) (“We review the award of  
11 fees and costs for abuse of discretion”). Plaintiff has failed to meet his burden of  
12 establishing a manifest error in the Court exercising its discretion to deny fees.

13 Second, Plaintiff is proceeding *pro se* and failed to establish any unnecessary  
14 attorney’s fees or costs he incurred as a result of removal. Regarding the request for  
15 sanctions, Plaintiff has failed to establish any sanctionable conduct. Therefore, the Court  
16 **DENIES** Plaintiff’s motion for reconsideration.

17 **IT IS SO ORDERED.**

18 Dated this 13th day of October, 2020.

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20 BENJAMIN H. SETTLE  
21 United States District Judge  
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